Title: **Friends of Dublin Analysis Report – Riviera Development**

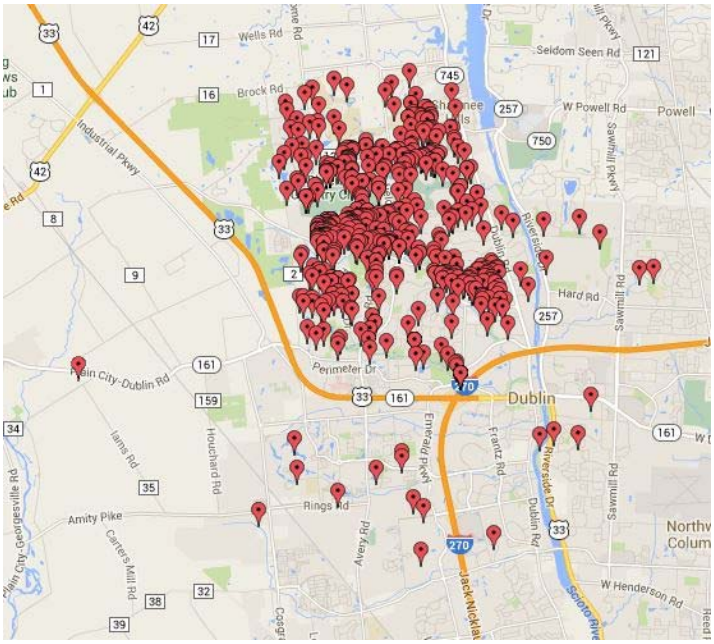
Case Number: 14-0068Z/PDP

Report Author: Friends of Dublin

Summary: In response to the application for redevelopment of the Riviera Golf Club, a community group consisting of 9 homeowners associations, organizations or community groups formed. The steering committee represented the following entities:

- Muirfield Village Civic Association
- The Savona Condominiums at Savona Village
- Belvedere HOA
- Brandon HOA
- Tartan West HOA
- Celtic Estates
- Wellington Place HOA
- Park Place/Post Preserve HOA
- Friends of Dublin Organization

The group, along with individuals from across Dublin have come together specifically to address community concerns regarding the development of the Riviera Golf Club. Support for the organization was surveyed in the summer of 2014 and the geographic distribution of the group's support is widespread throughout the City of Dublin and is represented in the chart below:



In response to the overwhelming community concern connected to this

proposal, the Friends of Dublin has compiled an alternative analysis and report to those provided by both City staff and the developer.

This report clearly demonstrates that the current application for the development of the Riviera Golf Club fails to satisfy the preponderance of the criteria for a rezoning/preliminary development plan as set forth in Section 153.050 of the Zoning Code, fails to reflect the Land use Principles set forth in the Community Plan, and fails to adhere to the standards that City Council established by way of Resolution 27-4. All information contained within this report is supported by detailed and independently verifiable sources.

The report evaluates the Riviera development proposal against the sixteen criteria that will be used by Planning and Zoning as articulated in Dublin City Code.

Questions: Questions regarding the information contained in this report should be addressed to Kevin Walter, kevin@walter4dublin.com

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From the outset, we would stipulate and agree with the Developer's right to develop the Riviera property under the existing zoning and subdivision regulations as defined in Dublin City Code section 152. We would support and advocate for this right.

However, the developer is requesting a change in the current zoning classification from R1 to Planned Unit Development (PUD). This document represents our opinion in opposition to that planned change in zoning.

The Land Use Principles were included in the Community Plan to serve as a basis for evaluation of future development proposals and to set common design objectives and directions for land use policy in Dublin. The ten Principles are grouped and summarized below.

Quality and Character (Principles 1, 6, 7, and 9)

High quality design for all uses, recognizing density has important economic implications, but is essentially an outcome not a determinant of creating a quality place; preserving the rural character of certain area of the community, including the appearance of roads, as well as the landscape; developing streets that create an attractive public realm and make exceptional places for people; and creating streets that contribute to the character of the community and move a more reasonable level of traffic.

Density

The proposal calls for a density of 1.45 dwelling units/acre. The proposal attempts to compare the density of the application to surrounding densities, most specifically Muirfield. During the public Planning and Zoning meeting held on Thursday, March 13, 2014, Ms. Husak stated that Muirfield density was approximately 1.27 du/acre. Several Commission members, including Mrs. Kramb, Mr. Fishman, Mr. Taylor and Ms. Amrose-Groomes all expressed that they would hold the applicant to a standard of density that was at or below the Muirfield Density. The current application at 1.45 du/acre does not reach the bar set by Murifield.

Further, the applicant has chosen to selectively apply the density calculation across selective parcels to skew the density result of Muirfield to 1.45 du/acre. We believe the original density calculation as describe by Planning and Zoning staff should be applied to Murifield Village.

Rural Character

The applicant desires to create a suburban look and feel within the subdivision that will mirror existing character. This approach fails to consider the present conditions on the site including the character of the property from all sides. Currently adjacent parcels to the properties in question maintain a rural character in that they have viewsheds that encompass trees, ponds, streams and wildlife. The view along the northeastern edge of the property adjacent to Avery Rd. is of a naturally preserved grassland. The current development replaces all these views with a traditional suburban character creating something significantly less than an "exceptional place for people".

In Objective 13 of the Land Use Strategies in the current Community Plan, City Council spells

out the concept of Conservation Design. In this Objective, the Plan attempts to strike a "clear balance between economic potential and development character" in Northwest Dublin. Specifically, the Objective calls out Resolution 27-04 as passed by City Council in 2004. "In 2003 and 2004, the Dublin City Council adopted Resolutions 48-03 and 27-04 (Amended), which endorses the utilization of residential conservation design in outlying areas as a means to encourage greater open space provision and alternative land planning techniques."

Resolution 27-04 describes, in detail, the elements of Conservation Design and where it should be applied. (see page XX for a more detailed discussion of Resolution 27-04). In part, the resolution says that Conservation Design sites should be:

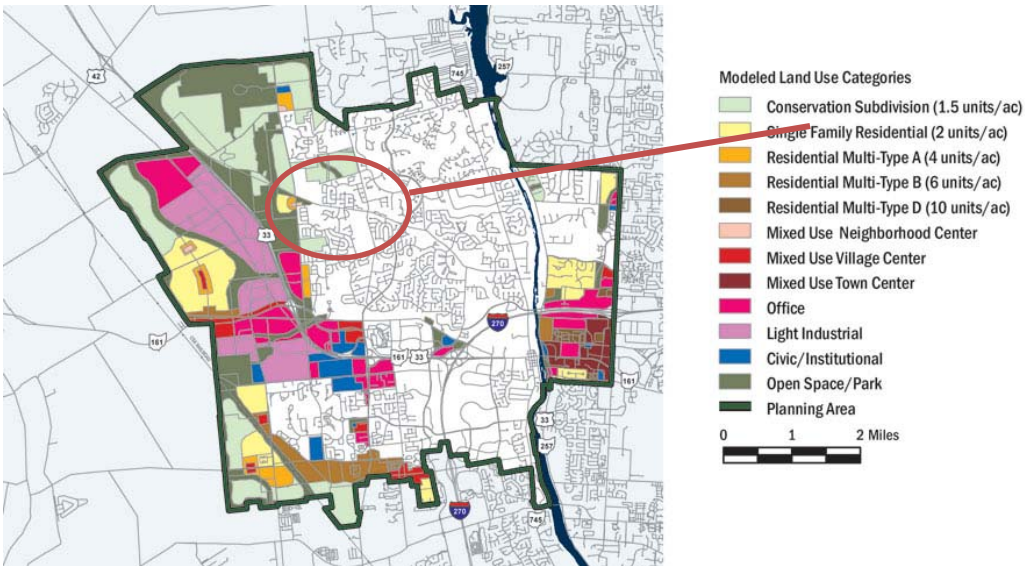
1. In the northwest section of the City
2. On the outskirts of the City
3. With proximity to Glacier Ridge Metro Park

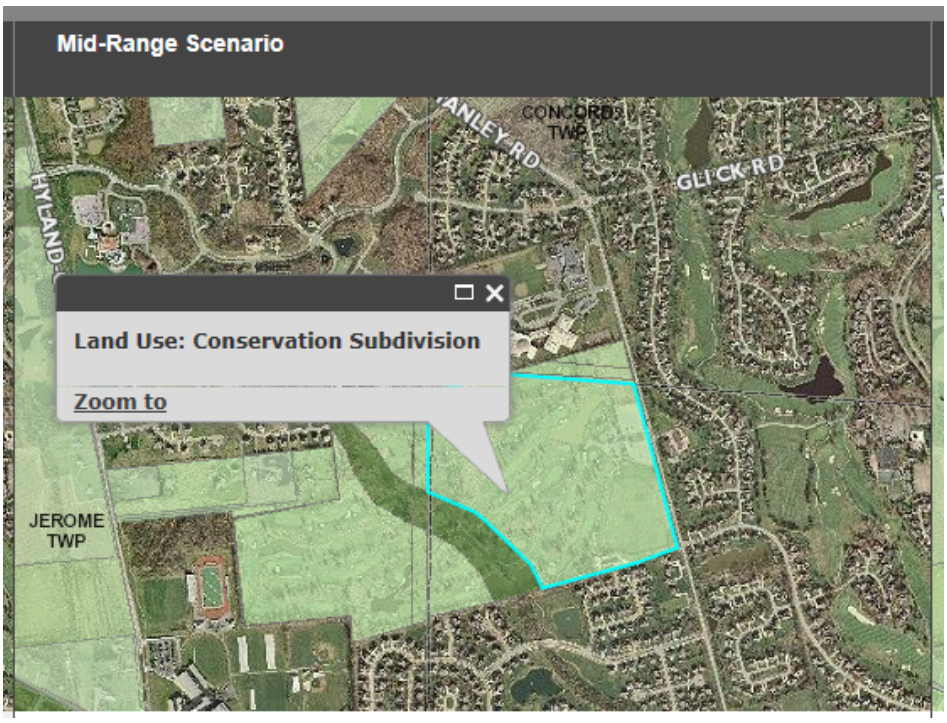
Further, Resolution 27-04 specifically describes how a developer is to preserve and protect the natural characteristics of a development. This includes a 50% open space requirement and for the remaining 50% of the development, 75% of those lots should be directly adjacent to the open space. The resolution shows in words and in pictures how roads should weave through natural features and how lots should be laid out in order to maximize the use of open space.

Riviera is:

1. In the northwest section of the City
2. On the outskirts of the City (within 1,000 ft. of the City Limits)
3. With proximity to Glacier Ridge Metro Park (within 1,100 ft. of the Metro Park)

As evidenced by the graphics below contained in the Community Plan Mid-range growth scenario, the Riviera Property has been designated as a Conservation Design Zone.





These two graphics are evidence of City Council's desire to implement Conservation Design standards on the Riviera property. Dublin City Council passed resolution 27-04 affirming Conservation Design as a desired development pattern for areas North and West in the city and specifically spells out criteria that need be in place for a development to contain characteristics of Conservation Design.

The resolution reads, in part.....

> **WHEREAS,** the City of Dublin encourages creative site planning and design flexibility to establish interesting and aesthetically pleasing residential environments, and housing should be provided in the most livable and design-sensitive manner possible; and
>
> **WHEREAS,** quality of life and sense of place are important economic assets to retain existing businesses and attract new economic development within the City of Dublin; and
>
> **WHEREAS,** procedures for Planned Development Districts are intended to provide variations from typical development standards and conventional subdivision design in order to create higher quality developments to enhance the City of Dublin; and
>
> **WHEREAS,** Planned Development District proposals must recognize that residential development is an important facet in the overall development and livability of the City of Dublin, and each proposal must function both within the confines of its own boundaries and within the context of the surrounding area; and

WHEREAS, the decisions in the Dublin Community Plan were based in large part on the measurable impacts of development; and

WHEREAS, the Community Plan recommends the protection and preservation of rural character in outlying areas in the northwest and elsewhere; and

WHEREAS, the Community Plan recommends the preservation of natural features and open space; and

WHEREAS, the Community Plan designates areas for lower-density residential development along the River Corridor and in outlying areas; and

WHEREAS, the Community Plan encourages amassing a large Metro Park to create a greenbelt and a definitive City "edge" to avoid a mass of continuous development; and

WHEREAS, the Community Plan recommends revising Dublin's ordinances to facilitate the preservation of rural character; and

WHEREAS, the Community Plan recommends the use of cluster residential development adjacent to the Metro Park to preserve open space and rural character; and

WHEREAS, the Community Plan includes a Land Use Map based on the "preferred scenario" from computer modeling of the impacts of development; and

WHEREAS, many residential subdivisions have been developed in the City of Dublin that exhibit similar layout characteristics, with similar appearance, and provide similar housing stock; and

WHEREAS, continuing this development pattern will create a repetitious environment for the City as a whole and limit the housing choices of the residents; and

WHEREAS, the City of Dublin desires to broaden the housing choices available to its residents, and remains committed to high quality in all housing options to serve existing and future residents; and

WHEREAS, the community desires to avoid repetition and to create a diverse and dynamic environment as the City continues to develop; and

WHEREAS, the City of Dublin desires to preserve natural features of the land, the open vistas, and open space in general whenever possible; and

WHEREAS, conservation design practices are based on the natural resources of the land being developed and provide for preservation of substantial open space; and

WHEREAS, conservation design practices should be employed to further both the open space and housing goals of the City of Dublin; and

WHEREAS, the Dublin City Council and its Planning and Zoning Commission have indicated support for such practices on a continuing basis;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Dublin, of the elected members concurring, that:

Section 1. New development shall provide a variety of housing styles and designs and preserve open space and natural features. New development proposals need to conform to the density ranges and impact recommendations in the adopted Community Plan based on a gross density calculation for the development. The upper limits of the density ranges should be considered only where public facilities support it, where important natural features are being preserved, and where not inconsistent with existing or future, neighboring land uses. The City will require all new residential proposals where a planned development district is requested to provide a layout based on conservation design practices, indicating at least fifty percent open space for evaluation.

Section 2. Sites with woods, streams, river frontage, steep slopes, and other natural features or which otherwise provide significant open space will be considered as prime candidates for employing conservation design techniques. Additionally, conservation design techniques should be incorporated wherever possible for development sites located along the River Corridor, at the outskirts of the municipality or with proximity to the Glacier Ridge Metro Park.

Section 3. Conservation layouts being submitted for evaluation should be based upon and adhere to design criteria for conservation design that calls for the clustering of available density onto smaller, grouped, individual building areas. Conservation layout should generally adhere to the following principles:

- All conservation design projects should strive for at least 50 percent open space areas.
- All conservation design projects should strive to have at least 75 percent of the dwelling units directly adjacent to open space areas. Dwelling units should be clustered in patterns that preserve sizeable open spaces and still disperse the dwelling units to permit a high percentage to be directly adjacent to the open space.
- All conservation design projects should attempt to provide large setbacks from existing streets, especially designated scenic roads, and to create a separate area identity surrounded with open areas specifically preserved in the development of these projects.
- Wherever possible the street system should have a curvilinear pattern that will minimize traffic speed, support the housing development pattern, and protect natural features.
- Historic sites and their cultural landscapes may be included as part of the required preservation area. Cultural landscapes required to preserve an historic site's integrity shall be maintained.

This application is subject to Resolution 27-04 and as such, in no way comes close to the requirements spelled out in the resolution. The applicant fails to meet the Open Space requirement, the Street Design, housing diversity, clustering concepts, buffering and setback requirements.

Applicability and Enforceability of Resolutions

Resolutions are, in fact, "legislative actions" taken by Dublin City Council. (DCOA sec. 4.01). Further sec 4.01b states that "Council shall use a resolution, where practicable, for any legislation of a temporary, informal or ceremonial nature". The question comes to what is the definition of "temporary"? Dublin City Code is silent on the definition of temporary. Some communities (ex: Avon Lake, OH) pass all zoning legislation through Resolution. Ohio Code is also silent on the definition of temporary. Thus we must turn to the US Supreme Court. On April 23, 2002, the United States Supreme Court issued its decision in Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency,' a case involving the question whether a temporary building moratorium that prevents all economically beneficial uses of property during its effective period amounts to a taking of private property requiring just compensation. While the Riviera development plan is in no way considered a taking, this case does deal with the meaning of "temporary" with respect to zoning regulations. In 1981, the Tahoe Regional Planning Agency passed a "temporary" moratorium on development activities. Temporary was considered not-permanent but did not have any defined end date. The case revolved around what the economic impact of that "temporary" moratorium was.

Temporary can be defined as that which is to last for a limited time only, as distinguished from that which is perpetual, or indefinite, in its duration.

So, as temporary legislation, a resolution remains in place until a permanent ordinance is enacted to replace or supersede it. Or, a resolution might be time boxed by the resolution itself. Given that Resolution 27-04 is not time boxed and the fact that it is codified by its inclusion in the most current Community Plan update in Ordinance 54-13, ***it is clear that Resolution 27-04 remains in effect.***

Traffic

The traffic study summary produced by the applicant contains several errors or omissions. The applicant has used Institute of Traffic Engineers (ITE) Code 210. The applicant has provided a traffic study that depicts AM peak and PM peak trip generation. A detailed review of the study reveals that the applicant summary has severely understated the traffic impact of this development

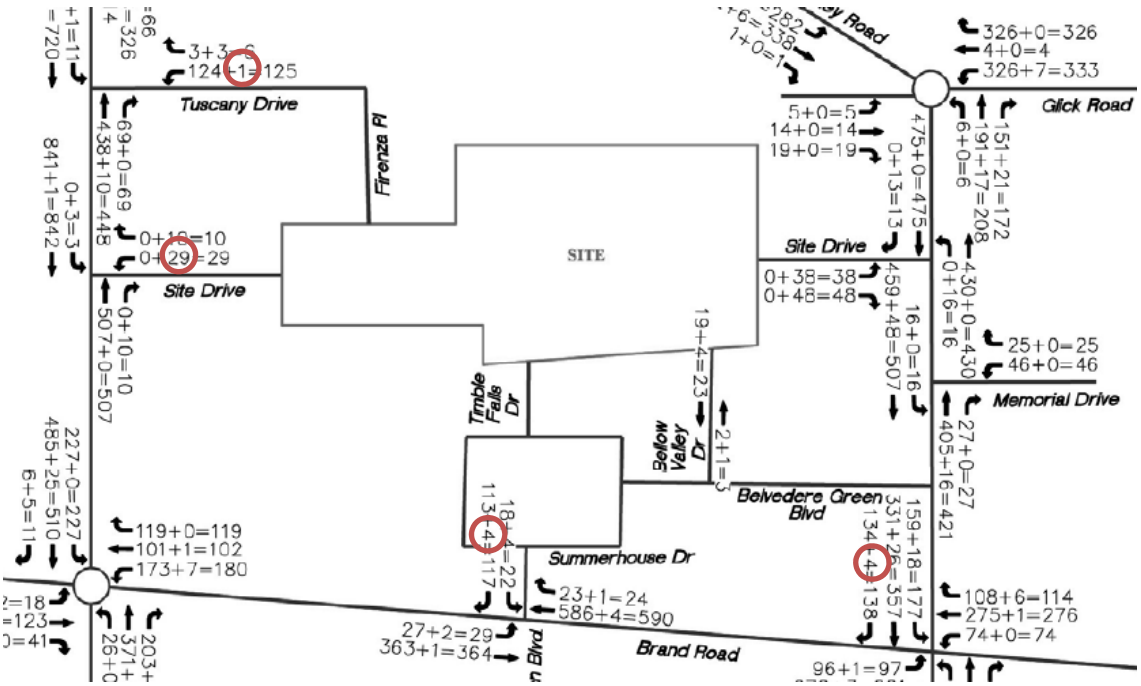
Land Use	Square Feet or Units	ITE Code	Time Period	ITE Formula	Total Trips	Trips Entering	Trips Exiting
Single Family - Detached	248 units	210	ADT	Ln(T)=0.92Ln(x)+2.72	2,422	1,211	1,211
			AM Peak	T=0.70(x)+9.74	183	46	137
			PM Peak	Ln(T)=0.90Ln(x)+0.51	238	150	88

On page 93 of the September 24,2014 study, the report concludes that the development will generate 2,422 trips per day. Additionally, the report indicates that the AM peak for trips exiting the development is 137 trips while the PM peak for trips entering the development is 150 trips.

The AM and PM trip count, while in line with Land Use Code 210 estimates do not match anticipated conditions. The development will include 247 properties. One could reasonably expect that especially in the AM, given multiple cars owned by families, that the traffic count would be equal to or greater than the actual number of dwellings. This underestimation of traffic volumes is further supported by the applicants own traffic study.

Please note AM Peak is defined as: 7:00AM – 9:00AM.

In the diagram below (2024 AM Peak Hour – Full Build) from page 15 of the traffic study, the traffic counts anticipated from the new development making movements that would indicate potential trips to Dublin Jerome High School will total 38 trips.



As noted in the diagram above, ambient traffic from the existing Belvedere subdivision of 154 homes generates 113 right turns from Abbie Glenn Blvd onto Brand Rd heading towards Dublin Jerome High School at the southern exit of the subdivision. It is not reasonable to assume that a subdivision of 154 homes generates 113 trips while a subdivision of 247 homes will only generate 38 trips.

Using data provided by the Dublin City Schools, which estimate that there will be 1.24 students/home, we can expect this development to generate 306 students, of which they estimate 25% to be of high school age. Therefore one can assume there will be 76 high school students in the Riviera development. A traffic study that anticipates only 38 movements with any potential of reaching the high school fails to consider the immediate surroundings and how those surroundings would impact the trip generation data. According to a US Department of Transportation report entitled: Development and Application of Trip Generation Rates - Final Report, local factors (collected through in person interviews) can significantly impact trip generation rates. Further the specific impact on trip generation rates of “High Value” residential units shows a significant statistical different over “Low” or “Medium Value” residential units and should be taken into account when using ITE Trip standards. This traffic reports makes no consideration for local factors nor home value in calculating AM and PM peak trips and thus should be viewed with some discretion.

Further the Department of Transportation indicates that Trip Generation models should be used to help determine a development’s share of needed infrastructure improvements. This application does not account for any improvements that may be required of surrounding intersections. Specifically, the traffic study estimates that 2,422 new trips generated daily. At the concept plan meeting, The Friends of Dublin presented traffic estimates of 2,044 new trips generated from the site. Adding those trips to existing traffic counts as provided by the City of Dublin at the Avery/Brand Rd intersection of 10,320 trips per day, we could easily

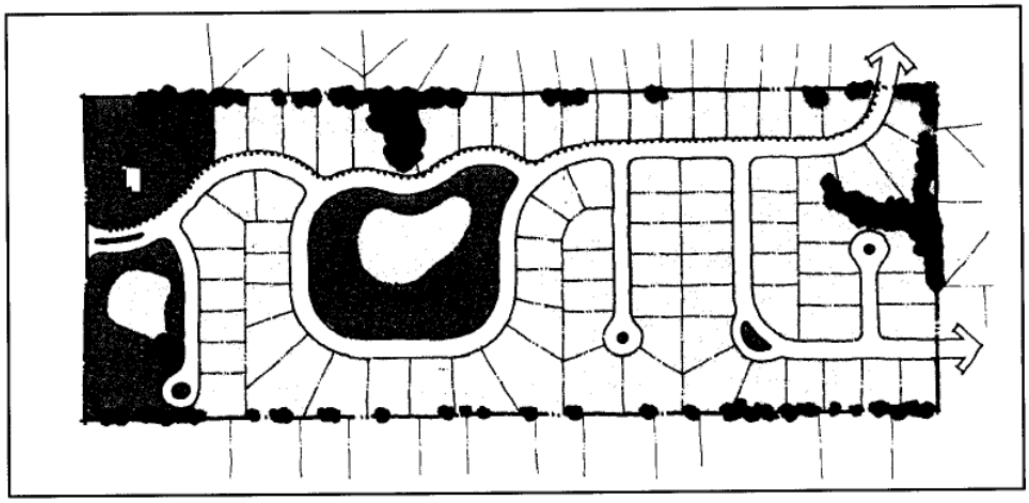
expect to realize upwards of 12,300 trips through the intersection. The cost associated with supporting the safe and predictable movement of this 19% increase in traffic at the Avery/Brand intersection should be considered in the impact analysis of this rezoning.

Street Design

The proposed development does not meet the Land Use Principles with respect to street design due to the lack of consistency with the application of Conservation Design principles.

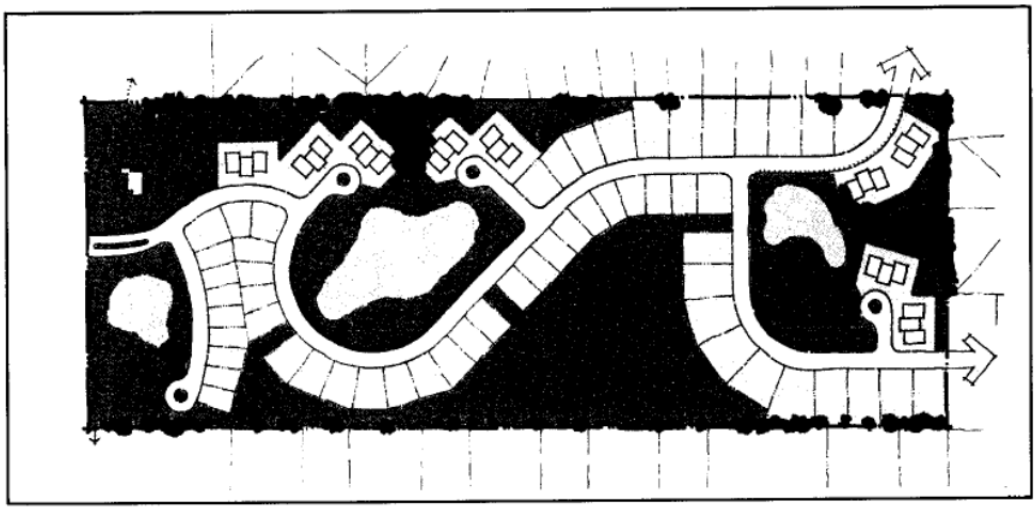
In Chapter Two: *Character and Environment* of the Dublin Community Plan, Dublin espouses a desire to "Implement Conservation Design… in appropriate locations and adopt planning practices and regulations that will result in high quality, more compact and varied housing. Conservation development patterns can preserve substantial open space, creating regional greenway networks and providing significant views from designated roads."

Resolution 27-04 specifically illustrates the nature of street layouts that should be used to enhance the public access and enjoyment of open space when contained within a Conservation Design District. As an example, Figure A.2.1 contained within Resolution 27-04 below demonstrates a typical approach to open space design and street layout. This is very reminiscent of the current Riviera application.



A.2.1 – Conventional subdivision layout with mix of large single-family lots and typical frontage open space and individual park spaces.

Conversely, figure A.2.2 below depicts Council's goal of providing better access and enjoyment of open space contained within a Conservation Design District.



A.2.2 – Conservation Design Layout including a range of single-family lot sizes and cluster homes with a continuous open space system linked with pedestrian connectivity.

The current application fails to meet the intent of Quality and Character components of the Land Use Principles given that the application is a) Too Dense, b) Lacking in its ability create streets that contribute to the character of the community and carry traffic at acceptable levels, and c) fails to meet the intent of Conservation Design's street element by not developing streets that create an attractive public realm and make exceptional places for people.

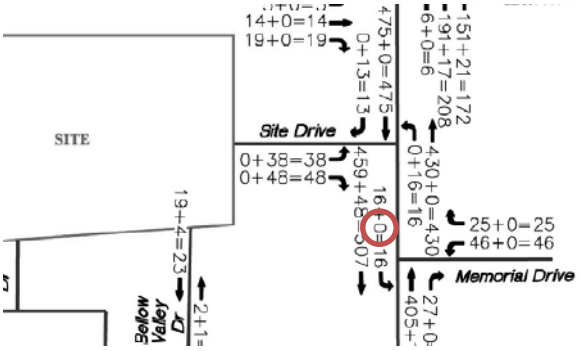
Quality of Place

The current application significantly detracts from the sense of place that has been established by surrounding developments. Developments at Muirfield, Belvedere, Corazon, Tartan Ridge, and Oak Park all have significant development texts that accompany their applications. The development text for Riviera is scant in comparison and simply defers most details to Dublin City Code. The entire concept behind granting a Planned Unit District instead of straight zoning is to trade increased density allowances for a higher standard of development. The development texts makes comments such as "Dublin Residential Appearance Code will be adhered to" when discussing Architectural Elements (section XI E of the Development Standards). By contrast, the Tartan Ridge Development Standards passed by Dublin City Council on March 19, 2007 indicate that the they will also follow the Dublin Residential Appearance Code, but further spell out an Architectural Review Committee as well as six separate and distinct Architectural Styles and included a pattern book describing each style in detail. The Quality of Place that will be established by Riviera is not to the standard established by the surrounding community.

Connectivity (Principles 2, 8 and 10)

Creating places to live that have a stronger pedestrian environment, connections to convenient services, and are conducive to multi- generational living and social interaction; creating better connected places, in part, to improve the function of the street network and also to better serve neighborhoods; and providing opportunities to walk and bike throughout the community.

The current application fails to meet the Connectivity Principle of improving the function of the street network and to also better serve neighborhoods. While this application does provide for neighborhood connectivity, it does so at great cost. Again, one only needs to look at the traffic study to see examples of unusual anomalies in the conclusions drawn by the study. As an example, in all scenarios listed, the number of cars that would make a movement from the Avery Rd. exit of the site onto Memorial Dr. is exactly zero. It simply is not reasonable to assume that there will be no traffic impact to Memorial Drive from a 240 home subdivision located immediately north of Memorial Drive.



Integration (Principles 3, 4 and 5)

Creating places with integrated uses that are distinctive, sustainable and contribute to increasing the City's overall vitality; providing some retail services in closer proximity to residential area as an important amenity to residents; and creating a wider range of housing choices in the community, as well as in new neighborhoods.

Sustainability

As discussed above, the Riviera development proposal does not create a sustainable environment by failing to meet the specific criteria spelled out for Conservation Design standards as articulate by Dublin City Council in Resolution 27-04.

Specifically, the application fails to meet the following standards described in the Resolution:

Section 1. New development shall provide a variety of housing styles and designs and preserve open space and natural features.

The development does not sufficiently provide a variety of housing styles. The application considers only traditional single family detached homes. The application fails to consider, smaller multi-family units, condominiums, patio homes, brownstones, etc. The premise of

conservation design is that the City will offer higher overall density in certain parts of the development in exchange for a conservation of the natural features and elements of the property. In the case of this proposal, the applicant simply offers traditional, suburban single family lots of varying widths. Additionally, there are an abundance of this style home available or being developed in the near vicinity (Jerome Village Celtic Crossing and Wellington Reserve as examples) The application fails to provide a variety of houses within its plan and fails to provide unique housing to the community.

The City will require all new residential proposals where a planned development district is requested to provide a layout based on conservation design practices, indicating at least fifty percent open space for evaluation.

The application calls for approximately 61 acres or approximately 36% open space. This falls well short of the needed 83.55 acres of Open Space as required under Resolution 27-04.

Section 2. Sites with woods, streams, river frontage, steep slopes, and other natural features or which otherwise provide significant open space will be considered as prime candidates for employing conservation design techniques. Additionally, conservation design techniques should be incorporated wherever possible for development sites located along the River Corridor, at the outskirts of the municipality or with proximity to the Glacier Ridge Metro Park.

As discussed earlier, the site is called out specifically as a candidate for Conservation Design in two different graphics within the current Community Plan. Further, the site would qualify for Conservation Design based upon the principles extolled above. The site contains streams, ponds, natural vistas is on the outskirts of the municipality (977ft from Jerome Township) and maintains proximity to the Glacier Ridge Metro Park (1062ft at its nearest point).

Section 3. Conservation layouts being submitted for evaluation should be based upon and adhere to design criteria for conservation design that calls for the clustering of available density onto smaller, grouped, individual building areas. Conservation layout should generally adhere to the following principles:

- All conservation design projects should strive for at least 50 percent open space areas.

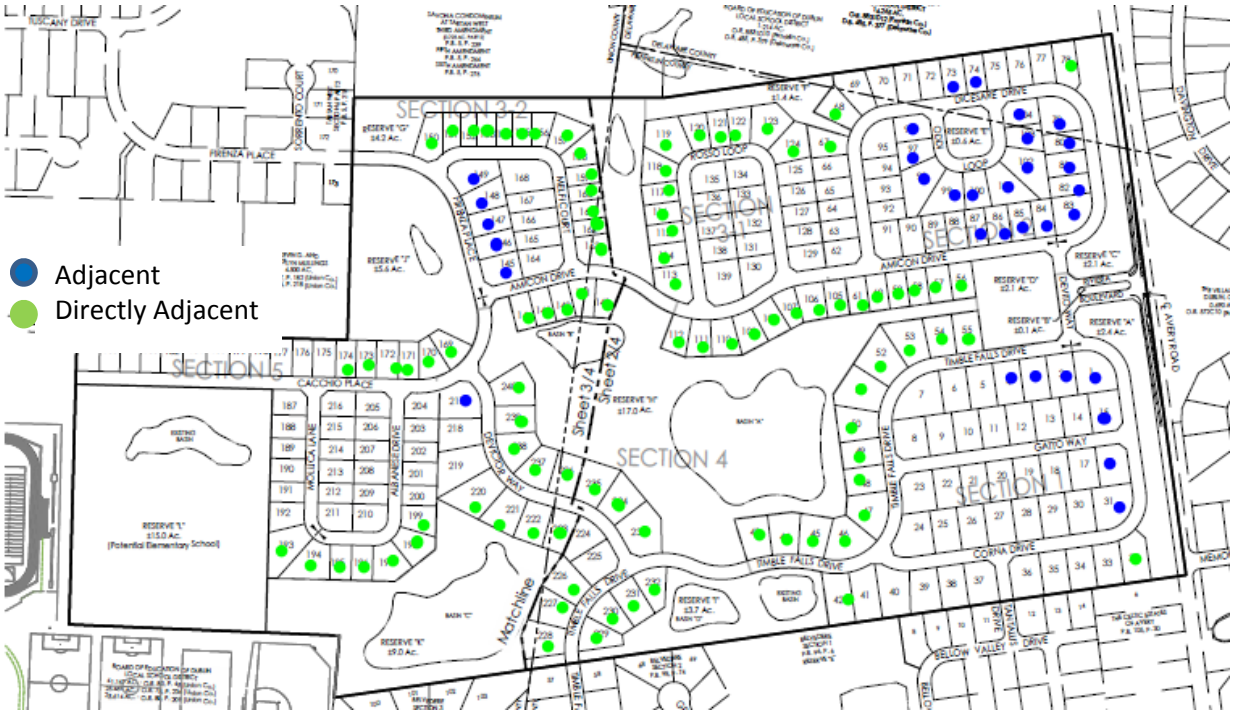
As mentioned above, the application demonstrates no attempt to meet the 50% Open Space threshold and at approximately 36% Open Space falls over 22 acres short of the requirement.

- All conservation design projects should strive to have at least 75 percent of the dwelling units directly adjacent to open space areas. Dwelling units should be clustered in patterns that preserve sizeable open spaces and still disperse the dwelling units to permit a high percentage to be directly adjacent to the open space.

In the current configuration the application fails to meet the 75% threshold with only 39% meeting this requirement. Approximately 127 lots are directly adjacent or across a public street. 94 lots are directly adjacent while 33 are across a public street. Dublin Code does not directly define “directly adjacent” but infers the meaning that a parcel must abut open space to be considered directly adjacent.

Section 153.02 (j) OPEN SPACE TYPE FRONTAGE. The orientation of a lot line, building façade or block face directly adjacent to an open space type, with no intervening public or private street.

To meet the 75% criteria, the application would need to have at least 180 lots adjacent to Open Space. Given the most stringent definition of "directly adjacent", the application falls 86 lots short. Given the more relaxed definition affording parcels to be across a public or private street, the application still falls 53 lots short of the standard.



- All conservation design projects should attempt to provide large setbacks from existing streets, especially designated scenic roads, and to create a separate area identity surrounded with open areas specifically preserved in the development of these projects.

The application attempts to integrate the Riviera development into the existing built environment. The application proposes lots that complement the surrounding developments with lot lines that are directly adjacent to existing developments without creating a "separate area identity surrounded with open areas". A naturalized buffer area surrounding the entire property could meet this requirement.

- Wherever possible the street system should have a curvilinear pattern that will minimize traffic speed, support the housing development pattern, and protect natural features.

Several of the streets, especially in the western portion of the property (Section 1 of the Tree Survey) are not curvilinear and seek only to maximize lot potential with little regard for the natural features found on the site. In this segment several trees including #'s 532, 533, 534, 860, 868, 869, 878, 892, 893, 914, 935, 937, 944, 945, 946, 948, 949 would likely be taken down. The table below depicts the caliper width lost per tree. The goal of Conservation

Design is to preserve these natural elements rather than replacing them elsewhere on the property or paying a fee in lieu.

Tree #	Condition	Diameter in Inches
532	Poor	18
533	Poor	22
534	Poor	19
860	Poor	21
868	Good	14
869	Good	30
878	Good	22
892	Poor	24
893	Good	24
914	Good	29
935	Good	24
937	Poor	24
944	Good	27
945	Good	32
946	Good	42
948	Good	21
949	Good	24
	Total	417
	Average	24.53

Additionally, in this sector, a pond (indicated as Pond B in the Storm Water Management Report) exists and the application considers filling that pond in. While the pond does appear to be man-made created sometime around 1971, one could argue that a 43 year old pond, however created, is now part of the natural environment and should be preserved in the spirit of Conservation Design.

Analysis	**Rezoning with Preliminary Development Plan**
Process	Section 153.050 of the Zoning Code identifies criteria for the review and approval for a rezoning/preliminary development plan (full text of criteria attached). Following is an analysis by Planning based on those criteria.
1) Consistency with Dublin Zoning Code	**Criterion met**
2) Conformance with adopted Plans	**Criterion not met:** The proposal does not conform to Land Use Objective 13 nor to the Land Use categories depicted in the Community Plan for Conservation Design. Further, the proposals fails to meet the criterion spelled out and affirmed by Dublin City Council in resolution 27-04 expressly identifying the characteristics of Conservation Design and codified in Ordinance 54-13, the most recent Community Plan amendment. Categorically, resolution 27-04 is the driving development objective for this parcel. It cannot be discounted by Dublin City Staff, the Planning and Zoning Commission or Dublin City Council. It legislation enacted by Dublin City Council and it remains in effect in full force until either it is rescinded or modified by Dublin City Council.

3) Advancement of general welfare and orderly development	**Criterion not met**: This proposal does not conform to the Community Plan, and given that it maintains none of the characteristics of Conservation Design, while compatible with the surrounding developments, it fails to integrate appropriately in an acceptable context. There are major concerns regarding this development and its impact on the surrounding roadway systems without major improvements. Given the anticipated overall traffic counts, the intersection of Avery Rd and Brand Rd will likely need improved. The application does not account for any contribution by the developer to the cost of those intersection improvements. Further, the traffic studies summary and conclusions fail to adequately account for local conditions including the expected median value of the homes and the proximity of a major high school, feeder middle school and local elementary school. As expressed by the Federal Department of Transportation, these factors must be considered when utilizing traffic modeling scenarios. This application failed to take those elements into consideration. The traffic study fails to adequately address traffic that will originate in the Riviera development on turn onto Memorial Dr.

Analysis	**Rezoning with Preliminary Development Plan**
4) Effects on adjacent uses	**Criterion not met**: The development will have a negative impact on the adjacent institutional use, particularly that of the high school. The western segment of the property contains 24 lots that are too close to the high school athletic facilities, which will result in either restrictions on the days and times of use of those facilities or other site modifications that may be required by the high school to accommodate the anticipated residential use of the Riviera property.
5) Adequacy of open space for residential development	**Criterion not met**: The design principles of Conservation Design require that developments should strive for 50% open space with 75% of lots being directly adjacent to that open space. The Riviera development, at 36.1% open space fails to meet the open space standard. The Riviera development with 40% of lots directly adjacent to open space also fails to meet the adjacency standard.
6) Protection of natural features and resources	**Criterion not met:** The proposed development destroys many of the natural features on the site. The proposal eliminates ponds A, B and C and attempts to offset that loss by the creation of two new ponds. The principles of Conservation Design call for the preservation of features such as these, whether man-made or naturally occurring. The application does not contain a tree preservation plan but rather simply a tree survey.
7) Adequate infrastructure	**Criterion met**
8) Traffic and pedestrian safety	**Criterion not met:** The veracity and accuracy of the included traffic study as well as the practical application of local conditions to modeling scenarios calls the entire survey into question. The development will have an impact far greater than that depicted in the traffic study. Local circulation will be greater than depicted in the traffic models and the impact on the collector and arterial streets will be greater than depicted.

9) Coordination & integration of building & site relationships	**Criterion not met:** Largely, the relationship of the western segment of the development to the adjacent high school is of concern. The relationship on the northern edge of the property to the adjacent middle school athletic fields also raises concern. The development unsatisfactorily integrates the adjacent public institutional uses into the site layout, street grid, walking paths and open space system.
10) Development layout and intensity	**Criterion not met:** This criterion is not met as the proposed setbacks, distances between buildings and structures (specifically the adjacent institutional uses), required open space and traffic impacts lack information or coordination as outlined in this report.
11) Storm water management	**Criterion met:** Adequate provision is made for storm water management.
12) Community benefit	**Criterion not met**: the proposal fails to adequately address the community benefit associated with the development of the last major parcel of undeveloped property in northwest Dublin. The proposed development will negatively impact the surrounding community bringing increased traffic as well as lace the school system at a tipping point for overcrowding in the adjacent facilities. The proposal fails to demonstrate sufficient community benefit to outweigh the loss of natural site features and the impact on infrastructure and schools. The existing R1 zoning and possibility for building according to the Subdivision Regulations are appropriate for the site and surrounding conditions. The application fails to provide diversity in housing styles within the development and within the context of the great Northwest Dublin community.

13) Design and appearance	**Criterion not met:** The proposed text permits vinyl or other PVC products as exterior building materials and the Commission has previously stated that vinyl is not a building material that exemplifies Dublin as a high quality community. Vinyl should not be permitted as a building material. Further, the Architectural Section of the development text is expressed in 522 words, including 30 words of headers. The criterion stresses the importance of meeting or exceeding the quality of building designs in the surrounding area. The most recent and applicable development text due to the age and size of the development would be the development text submitted for Tartan Ridge. This development text is comprehensive including detailed architectural design criterion and standards. The development text includes sample elevations, examples of structural elements, diagrams depicting the intent of the language contained in the text as well as a strong diversity in housing types and architectural styles. The current application fails to meet or exceed the quality of the building designs of this nearby development.
14) Development phasing	**Criterion met**
15) Adequacy of public services	**Criterion not met:** The application fails to adequately address the infrastructure improvements that will be required at the Avery/Brand intersection and does not provide a way in which the developer would share in the cost of those improvements.
16) Infrastructure contributions	**Criterion not met:** As outlined in this report, significant contributions will be required as part of this proposal. The applicant has not agreed to all of the contributions.

Recommendation	Rezoning with Preliminary Development Plan
Disapproval	As a result of this analysis, the proposed rezoning/preliminary development plan does not meet criterion 2, 3, 4, 5, 6, 8, 9, 10, 12, 13, 15 & 16. Nor does the plan appropriately reflect the Land Use Principles articulated in the Community Plan. Finally, the application fails to adhere to the standards established by City Council through the adoption of Resolution 27-04. Therefore plan disapproval is recommended.

Members of the Commission: I am Christine Gawronski, and I am President of the Brandon HOA. I have been part of the Coalition of Concerned Citizens, the 9 homeowner and civic associations, which have come together to advocate for what is best for the City of Dublin as you consider this proposal before you tonight.

First and most importantly, I want to say that I agree with everything that Mr. Walter addressed in his presentation – I hope you decide that this proposed development is not in keeping with the Community Plan, it is not consistent with Conservation Design, and that it fails significantly to meet the 16 criteria used to evaluate new development in Dublin. Please reject it.

But having said that, I stand here to tell you that if you *do* decide to move it forward, there are several conditions we ask that you impose as a condition of approval:

1) **Density:** At the Concept Plan hearing, some of you stated that the development needs to be equal to or better than the density level of surrounding communities, with the west portion of Muirfield reflecting a density level of 1.27 units per acre. We <u>must</u> adhere to the Muirfield density number used by P&Z at the Concept Plan. Mr. Ruma's plan that was presented for the September meeting was at 1.48 units per acre. Now, he is at 1.44. And that calculation includes the 15 acres he is maybe setting aside for eventual school use. **We hope you will deduct those 15 acres from any calculation, and hold this development to under 1.27/acre.**
2) **Lot Sizes:** Mr. Ruma is presenting a plan with some lots small as 55 ft. wide. Most are about 70 ft. wide. The number of small lots is simply unacceptable. Lots in surrounding neighborhoods are in the 85-110ft range. They feature side load garages or 3 car garages. We should require the same or better from him. Don't allow Mr. Ruma to "dumb down" this last jewel of green space formerly identified in Dublin's Community Plan. Also, instead of bundling the smaller lots together to create a patio home arrangements as in Corazon, he is playing the game "Tetris" with his lots, force-fitting the size to maximize density. The size of lots that he is using changes the character of what he had originally presented. **We therefore ask that in reducing density**, as per our first recommendation, **you require a minimum lot width of 85 feet**, **and that you also require each home to have a 3 car garage**, keeping parked cars off streets. This is important for any place in Dublin, but particularly in an area that may one day contain an Elementary School.
3) **Inter-development traffic:** By placing the school area in the back of the site, he will force significant traffic through Amicon Dr. and Devictor Way. Belvedere traffic will come along Devictor and traffic from elementary parents east of the development will come along Amicon. They will converge on Firenza Place especially at the intersections of each street and Firenza. If the land *is* to be used for a school, the access is poorly planned, funneling much traffic past many homes. If the site i*sn't* to be used for the school, then the placement of the open space is poor and should be spread throughout the development consistent with Conservation Design. **We ask that you send this plan back for a complete re-configuration requiring more reasonable and safer access to the proposed school property.**
4) **Access to Hyland-Croy:** Too many cars are being dumped onto Avery, and then Memorial, Brand and Glick. This should not move forward until the developer has secured an access road to Hyland Croy. And that entrance should have the same quality and character as the east entrance, with similar setbacks.
5) **Buffering and parks:** Too many lots intrude upon the stream and really keep the stream from being public open space. The Open Space should be presented as a community

amenity. Unfortunately, the proposed lots provide no buffering for Grizzell Middle School**. We ask that you require a 50 foot buffer from all homes, as in Belvedere, where there is a 30 foot No Build Zone and 20 foot drainage easement, and 60 feet next to Grizzell Middle School, similar to what exists adjacent to Karrer Middle School, plus better access to open space/parks.**

6) **Trees:** It was pointed out at the previous hearing that one of the first trees to be chopped down for Welling Reserve, Mr. Ruma's other development in Dublin, was an historic tree, and was 200 years old. Mr. Ruma stood before you and promised that this tree would be protected, and then seemed astonished that it was not. Nearby residents had tried to talk his contractor out of chopping it, all to no avail. We can't afford to let that travesty be repeated here. Just as you require developers to add left turn lanes and make other expenditures for the common good, **we ask that the developer be required to fund a temporary staff member for the City who would be tasked with monitoring and protecting large, older trees on the property.**

Summarizing, the plan is inadequate. Please require:

a.) No more than 1.27 homes per acre, and that should be based on 153 acres, not 168.
b.) A lot minimum width of 85 feet with 3 car garages.
c.) Table the plan until acceptable access to school property is included.
d.) An access road to Hyland-Croy should be secured, contracts in place, before this plan moves an inch.
e.) 50 foot buffers for all homes and 60 feet adjacent to Grizzell Middle School property.
f.) Protection of trees, with an on-site staffer tasked with this job, a person reporting to City staff, not the developer.

Thank you.